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ADDRESS

OF THE

FRIENDS OF THE NATIONAL ADMINISTRATION

TO THE

CITIZENS OF WASHINGTON COUNTY, Pa.

FELLOW CITIZENS—At a very large and respectable meeting of the "Friends of the present Administration," held at the court house in the borough of Washington, Pa. on Wednesday, the 26th September, 1827, we were appointed a general committee of correspondence, with instructions "to prepare a suitable argumentative address, on the subject of the Presidential election," which "will embrace in a forcible, but decorous manner, the prominent points of controversy." We cannot but be deeply sensible of the delicacy and difficulty of the duty thus imposed. Two distinguished men are candidates for the first office in the gift of a free people; and the choice is to be determined by the estimation of their respective merits. One of them is pre-eminent for his civic virtues and the arts of peace: the other is admired for the splendor of his military success. The one the most profound statesman and diplomatist,—the most enlightened civilian, perhaps of the age, the other a brave, vigorous, and fortunate commander. In this single view of the case, without enquiring further into the qualifications and personal character of the two men, we have no hesitation in preferring JOHN QUINCY ADAMS, to his competitor, General ANDREW JACKSON. A summary of the argument that presents itself in support of this determination, is contained in the third resolution of the meeting to which we have referred: "*The true interests of the U. States are pacific, and our policy ought to be peaceful.*" We are blessed with the production of every soil and every climate: Nature has bestowed upon us bountifully her kindest gifts, and only requires that, by a well directed industry, we take possession of them. All we can wish for, then, from our social organization, is *wisdom* to adjust our political economy, and *safety* in the enjoyment of the prosperity which it will procure. These are to be found in the exercise of civil talents, for the enactment and just administration of mild and wholesome laws, rather than in the tumultuous hazard and strife of arms. We have nothing to *gain* by *war*, and we have more to *lose*, than any other people on earth. The prevalence of military spirit, therefore, or any thing which has a tendency to disturb our peaceful relations, is greatly to be deprecated, and this forms the ground of our *first* personal objection to General Jackson. It must be admitted that his pretensions are purely *military*, and that if he had not been "*the Hero of New Orleans*," he never would have been a candidate for the Presidency. We are aware, that the hold which this splendid achievement has taken of the public mind, renders our task of developing his *true claims* for popular favor, extremely embarrassing. It is one of those problems in the human character, which has never yet been explained, that the imagination is dazzled and the judgment perverted by the "pomp and circumstance of glorious war" —the splendor of military appearance, and the pride of military success. It is right that the man who has led, through the danger of battle to the triumph of victory, should have not only *reward*, but honor and gratitude. We should not, however, confound these principles with that undefined *feeling* which swells our respect to admiration, and our friendship to *idolatry*. It too frequently happens that a successful general becomes "*the idol of the people.*" He binds their affections—beguiles their reason—lulls their suspicions—wields their power—and at length leads them on to the destruction of their own liberties. No people were ever yet enslaved but by themselves, and we venture to remark that nothing has ever been so fatal to freedom as the inexplicable principle we have mentioned. History will abundantly prove the truth of what we have said, and will, we think, shew that the republics of antiquity all fell victims to military usurpation, aided in the outset by mistaken popular favor. *Dionysius* distinguished himself by his zeal and ability in the defence of his country,—obtained the affections of the people, and consequently the chief command—and at length made himself tyrant of Syracuse—*Agathocles*, by similar means became king of Sicily, with absolute and uncontrolled power—*Cypselus* overturned the oligarchy of Corinth. *Pisistratus*, was the advocate of political equality and the democratic constitution, until he secured the attachment and confidence of the people. He usurped the supreme power at Athens, by obtaining a guard, for the purpose, as he pretended, of protecting him from assassination, with which he took possession of the citadel. He then disarmed the multitude and became master of their persons. *Sylla*, by party violence and military power, made himself *perpetual dictator* at Rome. He afterwards resigned and retired to private life, but Julius Cæsar, by the same engines, though in a less exceptionable manner, finally put an end to *that republic*. But some may say that these examples are too distant to have any bearing, that the present age is too much enlightened, and the principles of social right too well understood, to allow apprehension of any such catastrophe. We would ask the attention of those persons then, to France, within our own memory. She had just delivered herself by a tremendous effort, from the despotism of ancient monarchy; her people

were brave and patient—with strong notions of freedom. She was called upon to resist the attack of external foes, and a *taste for war* became general. Bonaparte made himself by the splendor of his character, the idol of a military population: his ambitious designs were hid in the blaze of his glory, and he stept upon the imperial throne, at a time when, to all the world, the flame of liberty seemed to shine brightest. We ask your serious reflection, fellow-citizens, to these suggestions; they are deserving, we conceive, of your deepest consideration. It is difficult, we know, to bring home the cold, didactick precepts of reason and experience, to wild imaginations and warm hearts; but believing that we see danger ahead, which perhaps many of you do not perceive, we feel it our duty to warn you to pause and examine. You will not, we think, do us the injustice to suppose we are influenced by any sinister motive in presenting these views to your notice. You must be convinced that we have no other interest in the contest than each of you have. We are all embarked in the same political vessel, and will sink or swim together. The question is, who shall manage this helm? We are for choosing a pilot who will take us into smooth seas; you are, perhaps, for one, who might conduct us into a tempestuous ocean, where shoals and quicksands abound. Do not think that we are *positively unfriendly* to General Jackson. We disclaim any such feeling. We are as willing as any of you to give him reward for his services—honor for his valor and gratitude for his patriotism. But when he claims the highest civil office in the nation, and one which, in our opinion, requires a mind of different structure and a totally different temper from his, we must withhold our assent. The ground we have first suggested, to the considerate mind, will, we think, furnish a conclusive argument against him; but those who may not be convinced, we ask to accompany us in an examination of the objection we have last hinted. It is in substance this—Gen. Jackson possesses a *violence and impetuosity of temper*, which renders him an unsafe depository of power. He is bold, daring and intrepid; but his bravery is rather *physical* than *moral*, and his energy is more under the guidance of *passion* than *principle*. His perceptions of political justice or private right, are very indistinct when a favorite object of pursuit engages his mind; and we believe, he would not be restrained by *laws* or *constitution* from indulging his own wild views of expediency or *necessity*. He is better fitted to *do* than to *think*—and his conduct indicates more the *fierceness* of pride and authority, than the *firmness* of virtue. With such a man, the gradation from legitimate command to *usurpation*, and from usurpation to *tyranny*, is too easy to render the process at all improbable.

The public life of Gen. Jackson, we think furnishes ample proof, that the view we have taken of the prevailing tendency of his mind and temper, is correct, and that the danger we have merely *hinted*, may be seriously apprehended. In support of our opinions, we shall proceed to review some prominent incidents of his military conduct. This, we think we have a right to do "in a forcible but decorous manner." His *private character* we shall not assail, and we regret that it has been introduced in the discussion of his merits for office. But those acts, which he has done with the *power of the people* in his hands, we conceive are fair subjects of scrutiny. Indeed, it is our *duty* to examine into the conduct of our public servants, where acts of oppression or cruelty are alledged; and we hold every man responsible, in some degree, who sanctions such acts, by refusing to enquire into the exercise of the authority which he has delegated. Gen. Jackson has put himself on trial before the nation. He resigned his seat in the Senate, that he might be a candidate for the Presidency; and has, therefore, called upon the people to test his merits and qualifications. We go on, then, to shew, in support of our second objection, that Gen. Jackson is a man of *dangerous mind and temper;* that it would be unsafe to entrust him with the *chief civil power* and with the *command of the army and navy of the United States*. In doing this, we shall state no *fact* without referring to *evidence*, nor will we draw any inference that we do not consider perfectly fair. We will "nothing extenuate, nor set down aught in malice." Our review shall commence in the spring of 1814, when Gen. Jackson led an army of Tennessee militia, against the Creek Indians. In this war he manifested bravery and skill, but there is one incident which every friend of humanity would wish to blot from the page of history. On the 27th of March, he found about 1000 Indians at their village in the bend of the Tallapoosie, with their *squaws and children* "running about their huts." His letter to General Pinckney, dated on the subsequent day, gives an account of the———we cannot call it battle. He says, "DETERMINED TO EXTERMINATE THEM, I detached General Coffee, with the mounted men and nearly the whole of the Indian force, early on the morning of yesterday, to cross the river, about two miles below the encampment, and to *surround the bend in such a manner, as that none of them should escape, by attempting to cross the river.*" The result he details: "*Five hundred and fifty-seven were left dead on the Peninsula and a great number were killed by the horsemen in attempting to cross the river;* IT IS BELIEVED THAT NO MORE THAN TEN HAD ESCAPED." "*We continued,*" *he adds*, "*to* DESTROY *many of them who had concealed themselves under the banks of the river, until we were prevented by the night.* THIS MORNING *we killed* 16 *which had been concealed.*" The village was burnt to the ground, several *women and children were killed*, and the remainder made prisoners. *Extermination* indeed!! He who can *read* the account "*with composure.*" must have the heart of Timour or Kouli Khan. Miserable remnant of the once lords of the forest, who held in free domain this mighty continent. In an evil day for their happiness, did civilized white men intrude upon them. They have been driven from the hunting grounds where the bones of their fathers lie, and year after year is the surge of population pressing them on. We constantly hear their complaints of encroachment, and yet when a sense of injury goads their untaught minds, to acts of violence and outrage, they are to be "*exterminated.*" Some we know will urge that *savage* enemies are not entitled to quarters, and we admit that by the severe laws of war they are not—they may be struck down in *battle*, although they offer to surrender. But when did an army of christians *surround* an enemy for the very *purpose* of putting them all to *death;* of preventing *any from escaping?* The rule of humanity, which is the foundation of the law of war in such cases, is that the moment an enemy ceases to resist, the right to take away his life also ceases. It is a desperate *necessity* only which can warrant the destruction of human rational beings, and when *that* does not exist, a general "is responsible to God and to man for every person that is killed." *Sixteen poor trembling wretches were dragged from their hiding places on the next morning, and in cold blood put to death!!!* But we

leave this case to the consideration of the candid and the pious. If it does not manifest in the commander, who gave the orders, more the *spirit* of *vengeance* than of *good feeling*, our *hearts* deceive us. The *extermination* of the poor Indians of course put an end to the war; and General Jackson, after garrisoning what he called "the conquered country," returned to receive an *oration* from his fellow-citizens at Nashville. In his reply to their address on that occasion, dated 4th May, 1814, he says, "*we have laid the foundation of a lasting peace; these frontiers which had been so long and so often infested by the savages, we have conquered.*" It is material to remember this *date* and the *admitted state of the country*, because, we think, it has an important bearing, upon the case of the unfortunate "*six militia men*," which we will now proceed to examine. John Harris, a Baptist preacher, in Tennessee, and the father of a family, engaged himself to go out as a substitute, for one Sharrill, who was drafted to serve a tour of garrison duty at Fort Jackson, in the Creek nation He was mustered on the 20th of June, when his term of service commenced. He continued in the faithful discharge of his duty until the 19th September, when, as he supposed, his time of service had expired. This opinion he had formed from the act of Congress of 1795, which provides "that no militia man shall be compelled to serve more than *three months* in one year." He had also been told, by his officers, that the period of his *legal* service was up. On the 19th September, then, he began to make arrangements for his return home to his family; and that his journey through the wilderness, might be more secure and comfortable, he endeavoured to ascertain who, of his companions, in the same circumstances, would accompany him; and at their request, wrote down their names. Having returned his gun to the captain, and taken a receipt for it, he set out for Tennessee, on the next day, with a number of others, whose time had also expired. By order of Gen. Jackson (who was now in the regular service, having been appointed about the 31st of May) they were pursued by a party of soldiers—were dragged from their families—taken back to Mobile, and put in irons. They lay in that situation, until the 6th December (nearly two months and an half after the alledged offences were committed) and were then tried by a court martial and condemned. The proceedings of the court remained before the commanding General, Jackson, until the 22d January, 1815, when he ordered Harris and five of his associates to be shot to death, within four days; and the wretched men were EXECUTED accordingly. In this awful case of military infliction, there are many things to excite the deep sympathy, and to awaken the scrutiny of a free and feeling people. A great portion of our citizens are militia men, and in some possible contingency, might be placed in the situation of Harris and his unfortunate companions. It is very important, therefore, to know whether they can be put to death, in a summary manner, for asserting their right, according to their own apprehension. In the case before us, there is not a doubt but that Harris and his associates firmly believed that their time was up, and that they were free to go Admitting that they were mistaken in this, what was the *necessity* that induced the General to make this bloody sacrifice to violated discipline? Was it for the sake of *example?* Why then were they not brought to trial *immediately*, instead of keeping them in irons for more than two months? And even after trial, why was the order of execution withheld until the 22d of January, nearly a month after the treaty of peace was signed? Again, we would ask, why, when the case allowed so great delay, the proceedings of the court were not transmitted to the president of the United States, for his decision? The 65th art. of the "rules" for the government of the armies, &c. provides, that no "*sentence of a general court martial in time of peace, extending to the loss of life, &c. shall be carried into execution until after the whole proceedings shall have been transmitted to the secretary of war, to be laid before the president of the U. States, for his confirmation or disapproval and orders in the case.*" Now, although sometimes, the necessity for example may be so pressing and urgent, in time of *war*, that it would be dangerous to wait for the decision of the President, yet that cannot be asserted in this instance, and the trials of Harris and the others, were fairly within the *scope* and *spirit* of the provision. But in fact they were within the very *letter* of it also. Observe that General Jackson *admits*, in his statement to Mr. Owens, that these men were drafted to garrison the country conquered from the Creeks. Now, *that war*, we have already shewn, was at an end, at all events, in May, 1814, and a *treaty* was actually made on the 9th of August following.

At the time then, of Harris' alleged offence in September, 1814, the country, so far as respected *that* portion of the military force, was in a state of *peace*. It will not do to object, because we were at war still with Great Britain, that, *therefore*, the provision of the 65th article will not apply; because, by entering into a separate treaty with the Indians, we admitted that they were not connected, or in common cause with the other enemy. The country must regret, that General Jackson did not pursue the course which the wisdom and humanity of congress intended. If he had forwarded these proceedings to the president, Harris and his miserable companions, in suffering and death, might yet have been happy husbands and fathers—and honest, useful citizens. The policy of our government has always been opposed to the severe application of military justice; and accordingly we find, on the 17th of June, 1814, president Madison issued his proclamation, granting a *full pardon* to all *deserters*, who should surrender within three months. But our sorrow for the unhappy transaction is greatly heightened, when we come to examine the *true nature* of the case, as it respects their guilt or innocence, upon the law and the facts as now developed. We believe there was no evidence sufficient to convict them of an offence even against municipal law; but that is immaterial in the present inquiry Were they chargeable with any thing contrary to the *rules and articles* of war? Or were they subject to the jurisdiction of a military court? We answer in the negative to both these points; but, to avoid prolixity, we shall confine ourselves to the last. The question occurs, then, were they *regularly* in the service of the United States, when the alleged offence was committed? If they were not, the controversy is at an end, for it will not be pretended that as *citizens* they could be subject to a military tribunal, for the matters alleged against them.

We have already noticed the act of 1795, limiting the term of service of the militia to three months. By an act, passed the 18th April, 1814, it is declared "that the militia, when called into the service of the U. States, by virtue of the before recited act, (Feb. 28th, 1795,) may, *if in the opinion of the president the public interest requires it*, be compelled to,

serve for a term not exceeding 6 months, after their arrival at the place of rendezvous, in any one year.' Gen. Jackson alleges, that these men were drafted under this act, for six months; but surely it is necessary to show us in order to sustain this position, that the president had so ordered. This had not been done; and on the contrary it now appears that the only authority from the war department which in any event could have warranted the draft, was issued by secretary Armstrong, on the 11th January, 1814, and evidently under the act of 10th of April, 1812. This last law, however, had expired by its own limitation before the requisition was made. To allege that the call was in pursuance of the act of 18th April, 1814, is at once to admit that there was no shadow of authority for it, as the order of the secretary is dated more than three months before that act passed: and if it is conceded that it was intended to be under the act of 1812, (as the requisition of the war department really was) then it is not sustained, because the draft was made after that law had expired. The order of Gen. Armstrong, therefore, could have subsisting relation only to the act of 1795, which limits the term of service to three months, as we have shown. Besides we do not see any exigency, to make a longer draft at all necessary. But to put the matter at rest, we allege, and undertake to prove that these men were *not called into the service of the U. S. by any direct requisition of the president*, and, therefore, any pretence that they were bound to serve for six months is altogether unfounded. In the first place, we observe that, altho' this affair has been agitated for several months, and General Jackson has been writing on the subject, in a manner that shows his feelings to be strongly excited, yet he has furnished to his friends no evidence, that the *war department ever ordered the draft as it was made.* This negative proof, when the "onus probandi," lies upon the accused, might be sufficient. We, however, adduce positive testimony, that *Gen. Jackson himself directed the draft*, without reference to any requisition from the president. By a proclamation, issued from "head quarters, Nashville, May 24, 1814," and signed by him as "major "general, commanding 2d division of Tennessee militia," he announces, "the happy termination of the "Creek war," and that "good policy requires, that "the territory conquered should be garrisoned," &c. &c. He then adds, "the brigadier generals or offi- "cers commanding the 4th, 5th, 6th, 7th and 9th "brigades, of 2d division, will forthwith furnish, from "their brigades, respectively, by drafts or voluntary "enlistment, two hundred men, with two captains, "two first, two second, and two third lieutenants, and "two ensigns, well armed and equipped for active "service; to be rendezvoused at Fayetteville, Lin- "coln county, in the state of Tennessee, ON THE 20TH "JUNE NEXT," &c. At this time Gen. Jackson belonged to the militia, and acted under the order of Gov. Blount, of May 20, 1814. He was not in the service of the U. S., nor under the orders of the president, until he was appointed a brevet Maj. General, in the room of Gen. Harrison, about the last of May. Harris and his comrades were part of the 1000 men, that were thus mustered "into the service of the U. S. for 6 months." But Gen. Jackson says, the *court* found that they "were legally in the service." This suggestion is too absurd; it is according to the proverb, "catching at straws." It was not a part of the enquiry before the court; the very fact of the men being brought before a military tribunal seemed to put the matter out of question. But if the court *had* even decided so, it would make the case no better for the General, because *he knew* that *they were not;* he knew that neither he or Gov. Blount, had power to draft men into the service of the United States, at pleasure, contrary to law. An attempt has been made, by Mr. Duff Green (editor of the U. S. Telegraph, at the city of Washington) who calls himself the *'organ,"* of the friends of Gen. Jackson, to impose upon the public in relation to this affair, in a manner that evinces quite as much effrontery as ingenuity. He admits that *no order of the president* existed to render the draft for six months legal under the act of 18th April 1814, but says that "in no case where the militia were called into service, *under the act of* 1812, did the president issue such an order, and that in all cases, where the call was not limited to a less term, the militia were mustered for six months." In this we agree, and if Mr Duff Green, had been so far influenced by truth and candor as to have added the 9th section of the law of 1812, under which he intimates these six militia men were called out, we should not have been under the painful necessity of exposing his artifice. It reads in these words, "And be it further enacted, That this act shall continue and be in force for the term of two years from the passing thereof, and NO LONGER." This law was passed on the 10th of April, 1812, and consequently had expired by its own limitation on the *10th April*, 1814, more than two months before the six militia men were mustered into the service.

Such is the miserable subterfuge that the friends of Gen. Jackson are driven to in this desperate case. They dare not meet the truth, and are compelled to attempt a deceptive defence by mutilating an obsolete act of congress, that has no more to do with the matter than a law of the Medes and Persians. As well might they endeavor to sustain him by adverting to similar provisions in the acts of 18th April, 1806, and 30th March, 1808, both of which were limited to two years, and had accordingly expired. (See Duane & Wrightman's edition of the laws of the U. States, 4th vol. page 158, 407.) The fact is that in June, 1814, there was no law *authorising the draft*, but the act of 1795, already referred to, which limited the term of service to *three months*, and the act of 18th April, 1814 which enabled the president, as already stated, to extend the time by a *special order to six months*, if, "in his opinion," the "public interest required it." (See laws U. S. 4th vol page 703.) It is *admitted that no such order was ever given;* nor indeed does it appear that the government had any knowledge of the draft. Gen Jackson, as we have already shewn, returned to Nashville, on the 14th May, 1814, and his requisition on the brigadiers was on the 24th, only ten days after. In this interval, it is impossible that he could have communicated with the president on the subject. That no other law was in existence, which could have any bearing upon the case, is proved by the requisition made by the secretary at war, on the governors of the different states, on the 4th of July, 1814, which refers expressly to the acts of 28th February, 1795, and the 18th April, 1814. Not a word is said in this requisition, about *six months service.* The quota of Tennessee is thus stated: "Tennessee—2 regiments and 1 battalion, viz: 2500 infantry; total 2500. General staff—1 Brig. Gen. 1 assistant deputy Quarter Master General, 1 assistant Adjutant General" The vain device that has been employed to shelter the conduct of General Jackson, in this horrible affair from public indignation, thus disappears before the light of truth and the force of evidence. Not a doubt

hangs over the transaction. The unhappy six militia men were never *legally* in the service of the U. S. for *six months*, because not drafted by any requisition from the war department *for that period* The order of General Armstrong fixed no time, and having relation to the act of 1812, of course died with it, at least so far as respected any power to extend the draft. They could not have been called out for more than three months, without an express order from the president, which it is admitted was not made. They were mustered into the service for six months, by General Jackson himself, who had no more power to enlarge the time than any private man in the nation. On the 20th Sept., they were by the law of the country, *free* to return home, and no man had a right to prevent them. We challenge contradiction to this statement,—*no one who examines* can deny the facts we have asserted, and we hope a regard to reputation will induce a little calm reflection and enquiry before the imputation of "*falsehood*" is hazarded again upon the authority of Mr. Duff Green. There is another thing in this business, perhaps as inexcusable, because it shows a total disregard of *law*, in a matter fully within the pretensions of General Jackson, as a commander. By the articles of war, a case affecting life can only be tried by a general court martial, which may consist of any "number of commissioned officers from *five* to *thirteen inclusively; but they shall not consist of less than thirteen* when that number can be convened without manifest injury to the service." We refer to articles 87 and 64. Harris might have been tried before a full court, for there was no hurry in his case; and besides, by article 86, when there are not enough of officers at a post, the party accused, and witnesses, may be conveyed to the nearest detachment, where a sufficient number can be had—Notwithstanding all this, the wretched militia men were tried by *three* members and two supernumeraries, the number forming a *regimental court*, which, by article 67, is *expressly prohibited* from taking *cognizance of capital cases*. We refer to the report of the trial of Harris, as certified by Andrew Donaldson, the nephew of Jackson. It is, to be sure, now said, upon the authority of the "Nashville Committee," that the court consisted of *five members*, and they alledge *mistake* in their former publication Whether the *word* of men can be taken, who have been guilty of so much misrepresentation and artifice as these friends of the general, we leave the public to decide. We ask you to examine their publications and judge of their consistency and candor. They admit that the governor of Tennessee had no power to order the draft for six months, but to evade the question they attempt to deceive by *prefixing* a section of the act of April, 1814 without giving its date, to the order of the secretary of war, issued in January, (more than three months before its passage) with a view to induce a belief that they were connected—and that the *requisition* had reference to THAT LAW—They have had the boldness to assert, *in the face of evidence*, which they themselves have published, that Harris was found guilty of MUTINY, ROBBERY, DESERTION, &c.—They have endeavored to bring their hero within the protection of the law, (as they know it to be) by alleging for the first time, that the offence was committed *before* the *three* months service expired, when in fact the officer who was the witness against Harris, according to their own report of the trial, declared that he had "*behaved well as usual until the evening of the 19th Sept.*" With these prevarications and discrepancies---and many others we could point out---we leave you to say whether they ought to have implicit credit for any statement they may choose to make, as exigencies in their case occur.

Fellow citizens, we ask your serious reflection to this awful, melancholy catastrophe. The soil of the country is stained with innocent blood; for if these wretched sufferers were not *legally* in the service, the specifications do not set forth *any* matter which ought to have put them on their defence. Six freemen, connected by dear relative and social ties, in the enjoyment of domestic happiness and in the peaceful pursuit of honest industry, left their families and their firesides, at the call of Gen. Jackson, whom they supposed to have authority. They faithfully discharged their duty, during the whole period that, by the statute book, they could be compelled to serve. At the end of their time, conceiving that the *law*, and not the *arbitrary will* of any individual, determined their rights and obligations, they returned to their homes, without violence, with the knowledge of their officers, and with the approbation of some of them. For this pretended offence, they were seized by military force in the face of municipal authority---in the heart of the country, where a civil magistracy was in the exercise of its functions---were carried off---ignominiously ironed as felons---and after a long confinement, and a mockery of trial before an illegal tribunal, were, by *order of Gen. Jackson,* SHOT TO DEATH.

We leave this case with you. If the opinions and feelings of an enlightened people can sustain such flagrant violations of law---such reckless indifference to human suffering---such wanton destruction of human life---there is an end of our boasted liberty, and iron handed despotism may chain us down at pleasure. John Harris was, perhaps, an obscure person, though a preacher of that divine Saviour, who said, "Blessed are the *merciful*, for they shall obtain *mercy*." Possibly when General Jackson issued the order for his execution, he considered it a matter of trivial importance. But *you* will say, fellow-citizens, whether the life of a *husband and father* is of little value.---Bring the case home to yourselves; your wives, your infants, your friends, your neighbors realize the anguish of widowed hearts, and the cries of the destitute orphans---and then exercise your elective franchise in the way that humanity, justice, reason and safety shall dictate.

We will pass over some intermediate incidents with but slight notice. The *embargo*, imposed upon the ports of Mississippi, Mobile, &c although assumptions of *sovereignty*, may possibly admit of justification, under the sweeping plea of "necessity;" and, perhaps, the same may be said of the entry into Pensacola, a neutral place, "*sword in hand*." We shall not stop to enquire; but proceed to the scene of general Jackson's most splendid achievement. "*New Orleans*," we know has become almost a talismanick word; and has been used, indeed, with extraordinary success. It seems, with many, as if their sense of national glory, their military pride, their gratitude for distinguished services, all had reference to that brilliant defence. We would not pluck a leaf from the general's laurel crown, and shall not, therefore, quarrel with his devoted friends about it: but we certainly never did see in that affair, either as to its *consequences* or the *tactics* DISPLAYED, any thing which ought to throw in the shade the victory of gallant Perry—which, we conceive, was vastly more important, indeed, to the nation. We might say the same, also, for that of commodore M'Donough—and perhaps, even the battle of "Bridgewater." But

is not our business, at present, to make enquiry into comparative merit—all we ask is that our fellow-citizens would look steadily through the blaze of glory, which they have thrown around the "*hero,*" and view with impartiality the *man*—The first tremendous display of military power at New Orleans, was the proclamation of "martial law," on the 16th December, 1814, by which the city and environs were placed under the following rules, viz:—"Every individual entering the city will report at the adjutant general's office, and on failure, to be ARRESTED and held for examination." "No person shall leave the city without *permission* in writing signed by the general or one of his staff." "The street lamps shall be extinguished at the hour of nine at night, after which time persons of EVERY DESCRIPTION, FOUND IN THE STREETS, OR NOT AT THEIR RESPECTIVE HOMES, without PERMISSION in writing as aforesaid, and not having the COUNTERSIGN, shall be apprehended as SPIES and held for examination," &c.—To the citizens of this free republic, who have been accustomed to look to the statute book and the decisions of civil courts for the determination of their duties and obligations, and who have had no other fear, than that of a sheriff and constable before their eyes, these "rules" may seem very strict, and, perhaps they may be curious to know by what code the trespassers were to be adjudged. They will be astonished to learn that the mere WILL of the commanding general was the arbiter of fate. *Chains* and DEATH followed his decree. But as we shall have occasion hereafter to speak of "martial law," it may be well enough to ascertain what it is.—We will give the definition in the words of sir Matthew Hale: "Martial law is in reality NO LAW, but something indulged rather than allowed as law. The necessity of ORDER and DISCIPLINE in an ARMY is the only thing that can give it countenance; and, therefore, it ought not to be permitted in time of peace when the COURTS ARE OPEN FOR ALL persons to receive justice according to the laws of the land." It is the *absolute power* which a commander in chief uses over the *soldiery.* This dangerous authority has only relation to the government of the army; it has no operation upon the *citizens,* to whom the ordinary administration of municipal jurisprudence is accessible. *A country* can never be placed under martial law, because it cannot be entirely occupied as a *camp;* nor can a *city,* unless it is, also, a *garrison.* General Jackson, by his overwhelming decree, annihilated the sovereignty of Louisiana: he extinguished the legislative and judicial functions of the government, and of course nothing was left. This was his intention, as declared in his reply to an address of the citizens. He says, martial law, "while it existed, necessarily suspended all rights and privileges inconsistent with its provision:" and he afterwards speaks of having "*restored* the *civil power* to its usual functions;" thus admitting that they had been for a time destroyed. What then was the situation of the people? Why that of *slaves:* as completely so as arbitrary will and despotic power could make them. They were liable to be "apprehended," condemned by a military court, and SHOT, without judge or jury—without remedy or appeal; and this too, not merely for offences defined in the articles of war. New crimes are created and undefined penalties denounced. He establishes a "curfew," and by an unaccountable perversion, declares that all persons found from *home* after 9 o'clock shall be seized as "*spies,*" and of course dealt with under the "second section," which expressly relates only to those who are 'not citizens.'

We shall now proceed to show that these 'rules' were 'rigidly enforced.' In order to avoid controversy, however, we will agree that all acts, done under this tremendous system, prior to the news of peace, shall be covered by the plea of 'necessity.'—Let us then come to that period. On the 19th of February, 1815, general Jackson announced that a flag ship had arrived with news that the treaty had been signed on the 24th December, at Ghent. This intelligence the editor of the Louisiana Gazette, gave to the public on the 21st of February; and on the same day his printing establishment was put under 'martial law,' and he was prohibited from publishing any thing on the subject, unless he had 'permission from the proper source.' On the 28th February, the consul of France, and many French subjects, were BANISHED, because they refused to remain in the ranks as soldiers, considering the war at an end. "The existence" of martial law was reiterated on the 4th of March, and the "second section" published "by command." On the next day the general issued his order, reciting the decree of banishment, and enjoining all officers and soldiers to ARREST the persons described therein, and CONFINE them. A messenger from Washington, who was sent with despatches relative to the peace, arrived at N. Orleans on the 7th March, and on the next day Gen. Jackson, upon the request of a number of officers and soldiers, directed his order of banishment to be *suspended,* "except so far as the same relates to the chevalier de Tousard, who is not to be permitted to come within the lines of the camp or fortifications without special permission." Here then was "martial law rigidly enforced" in the case of this unfortunate gentleman, (the friend and former associate of our beloved Lafayette) after the general was informed of the peace by his own government. But this was not the only case A letter from N. Orleans, dated 10th March, published in a New York paper at the time, shews the situation of things as then existing. It states "that martial law still prevailed there, notwithstanding the commanding general had been in the possession of the news of peace for several days. The district judge and district attorney had both been arrested by a military guard and marched off to head quarters, for having issued a habeas corpus, to release from confinement a citizen of New Orleans, who was about to be tried by a military court martial, for "having written and published a paragraph which did not meet the approbation of the General. Another Judge of one of the courts having attempted to interfere for the release of his brother Judge, shared a similar fate." The letter-writer goes on to state, "that all was *fear and dismay*---no one could tell whose turn it would be next to fall under the displeasure of those exercising the powers of the government." The evidence which Gen. Jackson himself has placed on record abundantly proves that this view is not exaggerated.

The case alluded to, in which the habeas corpus was granted by Judge Hall, was that of Mr. Louallier, a gentleman of great respectability from Opelousas, and a member of the legislature, who had distinguished himself by his patriotic zeal and private benevolence. After the decisive victory of the 8th of January, he considered any further attempts of the enemy altogether impossible. General Jackson, also, wrote the Secretary of War on the 19th January, "that the enemy had made his last exertions in that quarter for the season." This gentleman then observed, with astonishment and apprehension, the continuance of 'martial law,' without a sha-

dow of necessity; and at length the BANISHMENT of the French consul and his countrymen, induced him to question the propriety of the order. For doing so he was arrested by soldiers and confined, to be tried by a military court. And for what? Any offence defined by the articles of war? Not at all. It was in fact for presuming to oppose, by the very mild remonstrance, the overwhelming usurpation, which had totally annihilated private rights and placed the lives and fortunes of the community at the controul of a military chief. For this, (*new* crime in a land which boasts of the liberty of the press,) he was put in jeopardy of his life.—While in confinement under a guard of soldiers, separated from his family and friends, on the 5th March, 1815, nearly a month and a half after the enemy had *retreated*, (which was prior to the 21st January, as the General's proclamation on that day shews,) and more than two weeks after the news of peace, the counsel of Mr. Louallier, applied to the judge of the United States' district court for a writ of 'habeas corpus.' This the judge was bound by his duty and his oath to grant; if he had refused, it would have been a misdemeanor, for which he might have been punished. Accordingly the writ was allowed, and made returnable on the next day. On the same evening, however, judge Hall, WAS FORCIBLY TAKEN FROM HIS HOME, BY A PARTY OF SOLDIERS—CARRIED TO THE BARRACKS, and there CONFINED. The clerk of the court, R. Claiborne, to whose deposition we refer in proof of the facts we now state, called to see him and was REFUSED ADMITTANCE. On his return to his lodgings, he was met by a Major Chotard, the general's aid, who produced an ORDER from the general, requiring him to give up the original petition which the judge's allowance endorsed. The clerk observed, that by a rule of the court, he was not permitted to deliver an original paper out of the office; but said he would go to the general with it. He did so, and the general upon seeing the paper, declared *he would keep it.* The clerk objected again, the order of court, to which the general replied, he would keep it on his own responsibility, and actually did so.—The district attorney, Mr. Dick, applied to judge Lewis, for a habeas corpus, to relieve his brother judge. Both these gentlemen had fought in the defence of the city, and judge Lewis had been commended, in general orders, for his good conduct.—Yet they were both arrested as *traitors*, and their lives were placed at the peril of a military court.—Fellow citizens, these things are true—we challenge contradiction of a single fact we have stated. Indeed we have not presented them in so strong a point of view, against the general, as a more full developement of them would have allowed. We aim at brevity and condensation, in order that we may be able, in reasonable compass, to show the ground we take. Will you now in justice to yourselves and your children and in candor to us, give your calm reflection to the principles and consequences of the transactions we have disclosed? If you do, we venture to say you will be convinced, that never was greater *usurpation* and *tyranny* committed in a country boasting of laws and liberty. We know that the partisans of General Jackson defend his outrageous proceedings, by the usual plea for the exercise of arbitrary power—'*necessity.*' They say that the people of New Orleans were disaffected, and the legislature traitorous, that the inhabitants were in correspondence with the British, &c. &c. It is possible there may have been persons who would have sold their country for gold, but if there were, even the vigilance of General Jackson, never could discover them. Not a single individual was ever convicted of such a crime; nor is the name of one upon record. On the contrary, never was there more devoted zeal, more bravery and unanimity than was displayed by the citizens generally. But take the testimony of General Jackson himself. In his letter to the mayor of New Orleans, dated January 27, 1815, he says, "I pray you now, sir, to communicate to the INHABITANTS of your respectable city, the EXALTED SENSE I entertain of their PATRIOTISM, LOVE OF ORDER, and ATTACHMENT to the PRINCIPLES of our EXCELLENT CONSTITUTION." Yet over *such* a people it was *necessary* to declare and enforce martial law—treating those citizens, for whom he expresses so high opinion, as '*spies*,' if seen in the streets after 9 o'clock at night. Let us, however, hear the general further—"Seldom in any community has so much cause been given for DESERVED PRAISE; while the young men were in the field arresting the progress of the foe, the aged watched over the city and preserved its interal peace; and even the softer sex encouraged their husbands and brothers to remain at the post of danger and duty." This then was his deliberate opinion at a time when, if there had been treachery, its effects must have been experienced; for it was *three weeks after the battle*, and *ten days* at least, *after the enemy had retreated.* Where, we ask, is the candor, and where is the justice of those who would charge *treason* against the people of New Orleans, in order to cover from public view, the errors of their favorite '*hero?*' We call, again, for any evidence that ever even a single individual was guilty of the foul crime, which is now imputed to the Legislature and people of Louisiana. Will the case of Louallier be relied upon? Is the publication of a paragraph, in a newspaper, to be called treason to the state because offensive to the pride of the general? This would be to rivive the 'crimen læsae magistatis,' in all its terrors and with a new aspect. But Louallier was not convicted of *any offence* described either in the articles of war or in the general's '*rules.*' He was tried by a court martial, the members of which, fortunately, had independence and virtue enough to *acquit* him *honorably* of every charge. We may then assert that he was *innocent*, for the general's own tribunal so decided. Yet for allowing a writ of habeas corpus to this injured man, judge Hall was '*shopped*,' according to the general's jocose but emphatic expression to the marshal; when the district attorney attempted his relief, he shared the same fate; and an order was issued to arrest judge Lewis, because he had been applied to for another writ. Louallier, too, although ACQUITTED, was continued in confinement for some time longer. Allow us now to present you a definition or two from a celebrated writer on government, Mr. Locke, and we will then attempt to draw the conclusion, which, we think, the facts and circumstances fairly warrant. "USURPATION is the exercise of a power to which another hath a right. 'TYRANNY is the exercise of a power to which nobody can have a right.' "Wherever law ends, tyranny begins: and whoever in authority exceeds the power given him by the law—and makes use of the force under his command to compass that which the law allows not," is a TYRANT. Apply these definitions to the transactions we have been examining and form your deliberate judgment as to the character of general Jackson's public conduct. We allege that he has usurped the powers of the executive and legislative branches of the government; and that he has used the powers, thus assum-

ed, tyrannically. We assert that he has infringed the constitution, disregarded the laws and violated the private rights and personal safety of the citizens

5th article of the amendments of the constitution of the United States was infringed, by calling them to answer for a 'capital crime,' without 'indictment of a grand jury,' when they were not in actual service, neither was it 'in time of war or public danger,' and in having 'deprived them' of life 'without due process of law.' The articles of war were disregarded in the particulars we before noticed. We have waived any discussion, at present, as to the right to declare martial law during actual hostilities, so far as the discipline of the army was concerned, but we assert that the continuation of it one day after the necessity ceased, was an infringement of our free institutions and rights - was totally illegal and tyrannical. The 1st article of the 'amendments' was violated by abridging the freedom of the press, and putting it under a military censorship. This was tyranny also, according to our definition; for it was 'exercising a power to which nobody, (not even Congress) can have a right. But the great barrier of the political safety of the citizen was broken down in the case of Louallier and the judges. The 9th section of the 1st article of the constitution, which limits the powers of Congress, declares that "the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.' The right to this writ, which is the only security we have against the exercise of arbitrary power, was in this instance entirely taken away, and under the extraordinary and violent circumstances we have mentioned The office papers were illegally withheld from the clerk, and the judge was forcibly dragged away and imprisoned. We deny that under the constitution, even congress, in this instance, could have suspended the writ. Peace was made, there was neither *'rebellion'* nor *'invasion'*—nor did the 'public safety require it.' Gen. Jackson, however, by military force, defeated the right in the particular case, and in order to prevent the further interference of the judge with his proceeding, *'shopped him,'* as he said. Now in what situation were the people of New Orleans? General Jackson might have imprisoned hundreds of them and have taken their property without the possibility of their having legal redress. The only remedy would have been an appeal to physical force, and even then he would have had the advantage, with a disciplined army and the means of war. It is impossible, we think, for those who have candidly examined the facts, not to believe that general Jackson was influenced, in Louallier's case, by feelings of resentment, operating upon a naturally overbearing and violent temper. In the written defence which he offered, in the proceeding against him for these oppressive and illegal measures, he says, "To have silently looked on such an offence (meaning the offence of Louallier, which in the opinion of the court martial was no offence at all) without making an attempt to *punish* it, would have been a formal surrender &c. of all PERSONAL DIGNITY," &c And immediately after, he intimates his own apprehension, that the party was not the subject of any criminal proceeding, either under the articles of war or his own 'rules'—for he says, (speaking of the judge) 'an unbending sense of what he seemed to think the conduct, which his station required, might have induced him to order the liberation of the prisoner,' &c. This was the foundation of his reason for 'shopping' his honor, and *suspending*, as he says, 'the exercise of this judicial power, viz. the habeas corpus. Here then, by his [illegible] he has exercised a power, that, in any event, can only belong to congress, which is *usurpation*—and he has exercised a power against law, and oppressively, that under the existing circumstances, not even congress could exercise; which is *Tyranny*. We regret that our limits will not permit a full developement of the case of the much injured Louallier. He fell a victim, we have no doubt, to the stand he made for the rights of his fellow-citizens. As a member of the legislature, he opposed the suspension of the habeas corpus act, believing that no necessity existed to warrant such a tremendous measure:—a measure which annihilated the only security of the citizen, and placed him, alike with the soldier, at the absolute control of the commanding general This was his first offence; but when gallant Frenchmen, who had fought bravely on the lines, in the battle of the 8th January, and some of them the very men who had directed the artillery on that memorable day, with such tremendous effect against the enemy, were *banished*, because they were anxious to return to their families after the war was at an end, he drew upon himself the wrath of the general by urging a mild remonstrance. Could we present the case of these *proscribed gentlemen* also, it would appear to be one of great vexation and hardship. The whole population, capable of bearing arms, had turned out to defend the city. The inhabitants of N. Orleans, and those persons in the number, composed the 1st and 2d regiments. After the enemy had retreated, it seemed reasonable that those who had families in the city would have been permitted to have returned; yet it is an extraordinary fact, that Gen. Jackson ordered the 1st and 2d regiments to remain at Villere's farm, and marched his regulars and foreign militia into the city. Any man can appreciate their feelings. Husbands, brothers and fathers were thus compelled to leave their wives, sisters and daughters to the doubtful protection of strangers, while they were compelled to remain in the field, by severe discipline, the propriety, justice or necessity of which they could not perceive. But we must pass on, requesting you, fellow-citizens, to put this question to yourselves after reviewing the facts: Suppose General Jackson should be elected President and commander-in chief of the army and navy and of the militia when in actual service; suppose he should by means of the military spirit that prevails, get the nation into a War: Suppose he should declare 'martial law,' and under pretence that the *members of Congress were disaffected*, should put them under *arrest* and 'shop' the Judges—pray what kind of government would you have? Observe that this is not an impossible case, for the same powers that he exercised at New Orleans, he might exercise at Washington city, or Washington, Pennsylvania. In examining further the public acts of general Jackson, we shall develope the same usurpation of the powers of government—the same disregard of law, and the same tyranny over the private rights of individuals. During the year 1817, some disturbances existed between the frontier settlers of Georgia and the Indian tribes. It would be useless to enquire where the fault lay, were it not that we think the public mind has been misled on the subject, and many violent proceedings of general Jackson have been tolerated by the prejudices of the people against these savages. We believe they have been "more sinned against than sinning," and that if the truth

was known, it would appear that there never was a more oppressed race of men. All the violations of law—all the outrages against humanity that were committed during the *quasi* war, have been justified under the plea of *'retalsation;'* and the MURDERS of the savages have been placed in detail before the nation, to shock the feelings and inflame the passions of the people. Let us look, however, at the other side, and if we take the testimony of one of our own witnesses, we were the aggressors:—Governor Mitchell, of Georgia, examined before a committee of the senate, says, 'the peace of the frontier has been disturbed by acts of violence committed by the *whites* as well as by Indians.' 'These acts were increased &c. by a set of lawless and abandoned characters. (whites) who had taken refuge on both sides of St. Mary's river, and living principally by plunder.' 'I believe the *first outrage* committed on the frontier of Georgia, after the treaty of Fort Jackson, was by a party of these banditti, who plundered a party of Seminole Indians, on their way to Georgia, for the purpose of trade, and killing one of them This produced retaliation on the part of the Indians, and hence the killing of Mrs. Ganet and her child!'—Afterwards he says, 'Gen. Gaines, arrived with a detachment from the west—sent for the chief of Fowltown—and for his contumacy in not immediately appearing before him, the town was attacked and destroyed by the troops of the United States. This fact was, I conceive, the immediate cause of the Seminole war.'

Soon after the affair at Fowltown, Lieut. Scott and his party were attacked, and fell victims to the rage of the savages.—The matter now became serious, and general Jackson was ordered to take the field.—He was informed by the secretary at war, of the force at his disposal, viz:—regulars and militia 1800 men, and was directed, if more became necessary, to apply to the governors of the adjoining states &c. Let us see how general Jackson obeyed this order. The governor of Tennessee, was then at Nashville, within ten miles of the 'Hermitage,' yet, general Jackson, without deigning to consult him, issued his call upon 'the patriotism of West Tennesseans,' and in this way, by his own authority, again raised an army of 1000 mounted gunmen. He appointed officers, to command this corps, himself, without even reporting to the secretary at war, their names. The alarming precedent is before the people for their consideration. If a general can by such means, get at his control 1000 men, he may 10,000 or 100,000 and when once in the field, it will be too late to enquire into his authority. A court martial, composed of officers, thus appointed by himself, would soon convict of 'mutiny' any refractory stickler for LAW or constitutional right—as the miserable six militia men fatally experienced.—This formidable force, altogether amounting to 3300 men, against which, according to colonel Butler's statement, there were never 'at any time during the war more than 5 or 600 enemies embodied at any one place,' it may be supposed 'looked down all opposition.' Accordingly, general Jackson traversed the Creek country and drove the miserable rabble of Indians and fugitive slaves before him. The war was finally terminated with the loss of only THREE killed on our side, and two of those at the Baraneas. Great numbers of cattle, several thousand bushels of corn, and much other PLUNDER was obtained. 'Three hundred houses were consumed—leaving a tract of fertile country in ruin.'

On the 25th March, general Jackson had issued his order to capt. M Keever, commanding the naval forces in the bay of Appalachicola, to 'cruise along the coast eastwardly, and capture and make prisoners of all and every person or description of persons, white, red or black, with all their goods, chattels, and together with all crafts, vessels, or means of transportation, by water, &c.—Against what particular nation, or nations, traversing the high seas, this sweeping order was intended, does not appear; it would seem from the general terms of it, to be against the whole world. If captain M'Keever, had happened to have executed it against the citizens of Great Britain, it would have been a fortunate thing that he held the United States commission, or he might have stood a chance for *piracy*. On the 6th of April, general Jackson, not being able to find an enemy within our territory, entered Florida, and captured the fortress of St. Marks from the Spaniards. And here an act was done which stains the annals of our country. Two Indian Chiefs, one of them a prophet, were 'ENTICED' (says col. Butler,) by hanging out a friendly flag, on board one of the vessels, and were by the commanding general ordered to be brought on shore and HUNG.—'What, hang an Indian!!!' Yes, without trial, without proof, without any legal examination—they were strung up merely for the sake of *'an example.'*—This horrible act of *perfidy* and cruelty was done upon *neutral soil*. The wretched sufferers were not taken in battle; they were not found in arms against us. They had been *in [illegible] among friends*, which implied by the laws of war and the laws of honour a guarantee of safety.—If they had been taken prisoners of war in battle, and their lives had been promised, they could not lawfully have been put to death, even upon the principle of retaliation. In this case an assurance not only of security but of *friendship* was held out to them; and to violate that pledge was perfidious and contrary to the laws of war.—But we shall have occasion to notice this subject when we come to speak of the case of Arburthnot and Ambrister. The first of these unfortunate men was found at St. Marks, when the place was captured; the other was taken some time after in company with Cook, who was used as a witness against them.—A special court martial composed of 13 members, (5 *of whom were general Jackson's officers,*) was appointed to try them, on the 26th April, at St. Marks, the captured post, within the territory of Spain. We do not mean to discuss the question of their guilt or innocence, though from a careful examination of the evidence, we are inclined to think that *public feeling* has sanctioned their condemnation, more than justice or the rules of law. Arburthnot was found guilty, and sentenced to be *hung*. Ambrister was also found guilty and sentenced to be shot, but immediately, the court reconsidered the case, and finally sentenced him to receive 50 stripes and to be confined with a ball and chain, &c. for 12 months. Two questions of great importance are presented, which the people are now to decide. 1st. Were those persons at all amenable to a military tribunal? 2nd. If they were, have they been legally *executed?* On the first point let it be observed that they were *British subjects*, and there was no proof that ever they were upon our soil. Arbuthnot was condemned for being a *spy*, but upon what principle we do not see. He merely detailed in a letter to his son, and it would seem for his advice and direction only, information, which the commandant of St. Marks had received, of General Jackson's advance and his force. How this could make him a *spy*, we cannot conceive. He was als

charged with encouraging the Indians to hostilities, and with furnishing them ammunition, &c. Now admitting all this to be true, we do not see how he could be held criminally responsible by the laws of war. A neutral enemy may join a belligerent, and even FIGHT; this is doing more than *encouraging* by influence or counsel. If taken, he is to be considered a prisoner of war and treated accordingly. Such was the case of Ambrister. He was charged with bearing arms against us; and if he did do so, the gallant Lafayette and others had left their own country to fight on our side, at a time too when Great Britain denounced our people as rebels. The Indians are not subject to our municipal law; they are independent, with the right of peace and war. A neutral joining them does not expose himself to the penalalties of an *outlaw* or *a pirate*, as general Jackson asserts in his letter to the Secretary at War.

The only ground then on which the execution of those men could be at all sustained, is that which the friends of general Jackson were compelled to take in Congress: the *principle of retaliation* against a *savage enemy*, which allows no quarters. This was not suggested in the case presented to the court, nor indeed was it a subject of investigation before any tribunal, it is a sovereign act of summary infliction which a general may exercise upon his own responsibility. Neither does gen. Jackson in the order for their execution put it upon that footing; nor in his letter to the secretary of war on the 5th May, in which he says they were tried, "*legally convicted*," and "justly punished;" having reference of course to the proceedings of the court and the charges *there* exhibited. If he had ordered them without any trial, upon the alleged facts of their being adherents in arms of the enemy, to be shot, upon the principle of retaliation, then it might be proper to enquire, 1st. Whether they were subject, by the laws of war, to that summary infliction? and 2d. If they were, whether general Jackson had power to apply it? We admit that retaliation may sometimes be used, in order to compel an enemy to regard the laws of war. It is a preventive remedy, against barbarous and unlawful hostility; but it can only be allowed in a state of *actual war*. As the object of it is merely to deter the enemy from acts of cruelty, it is obvious that the *moment the contest is at an end, the right of retaliation ceases*. *Punishments* then supervenes, when crimes have been committed, which can only be inflicted by the tribunals of the country. By the common law of England as laid down by Sir Edward Coke, 3d Inst: 52,) "if a lieutenant or other that hath commission of martial authority, doth in time of *peace*, *hang*, or otherwise execute any man by colour of martial law, this is *murder*." The 5th article of the amendments to the constitution prohibits capital punishment, unless on indictment, except "in time of *war or public danger*," and the 65th article of "rules, &c." requires the proceedings in *any case* extending to *loss of life*, in time of *peace*, to be laid before the president, &c. Now let us see how these authorities apply. On the 26th April, 1818, the very day that Arburthnot was put upon his trial, general Jackson wrote to the secretary at war in these words:— "The Indian forces have been divided and scattered; cut off from all communication with those unprincipled agents of foreign nations, who have deluded them to their ruin, they have not the power, if the will remain, of again annoying our frontier."

Nothing occurred to change this state of things before their execution. There was then a state of *peace;* the barbarous hostilities, which alone could justify retaliation, had ceased, and the right to inflict death, under that plea, ceased also. We adopt the language of an eminent writer on the law of nations: "The license of war authorises no acts of hostility but what are necessary and conducive to the end and object of the war. Gratuitous barbarity borrows no excuse from this plea. The danger of injustice by hastily punishing: the tumult and flame of war little agrees with the proceedings of pure and sound justice: more quiet times are to be waited for. It is more wise and safe therefore for a general to secure his prisoners, till having restored tranquility, he can have them tried according to the *laws*." Had General Jackson retained these wretched men in custody, until their case was known to the President, or had he even reported the proceedings of the court to him, they never would, we believe, have been executed. He ought to have done so for another reason---We deny that in any aspect of the case, he had power to put prisoners to death upon the plea of retaliation. It is a sovereign act, which no subordinate command can do. In this position we are sustained, not only by the writers on the laws of nations, but also by the opinion of respectable men in our own country. We refer to the court of enquiry, with respect to the burning of Dover, in Canada, of which General Scott was president; in which proceeding it is said, "acts of retaliation on the part of a nation proud of its rights, and conscious of the power of enforcing them, should be reluctantly resorted to, and only by INSTRUCTIONS from the *highest authority*." Where, we would ask, were general Jackson's "instructions?" But can the execution of these men be justified upon any principle of law, reason or humanity? As it respects Ambrister, we assert that it cannot. The order for their execution was in these words, "Brevet Major C. W. Fanning, &c. will have between the hours of 8 and 9 A.M., A. Arburthnot suspended by the neck with a rope until he is *dead*, and Robert C. Ambrister to be *shot to death*, AGREEABLY TO THE SENTENCE OF THE COURT." Now we have seen that the first opinion of the court, as to the sentence of Ambrister, was rescinded, and the last determination was the only sentence that general Jackson could notice; it was the *only sentence* of the *court*. Yet he undertakes to set that aside, and declare operative, one which the court itself annulled, and which was as completely void as if it had never been agitated. The order for execution then rests upon no foundation. If general Jackson had *disapproved* of the *sentence* of the court, he might have reversed the whole proceeding and began de novo, as he did in the case of Louallier; but he professes to conform to it and yet goes directly contrary. The court determined that Ambrister should *not be shot;* general Jackson orders him to be shot, and says it is "*agreeably to the sentence*." What a mockery!!—But it is useless to take up time on this point. The committee of the senate reported a resolution disapproving of the execution of both these men. Some of the members who dissented, endeavoured to vindicate the general in a long defence; which they offered as a substitute. They admitted, however, that the execution of Ambrister was wrong, but justified him on the ground (which he never took himself) that he might have put him to death, in "*retaliation*," without the interference of a court at all. Whether there is not more ingenuity, than justice or candour in this, we leave you to decide.

We shall not take up your time in examining the pretences under which he forcibly seized Florida, a neutral country, in opposition to the express orders

of the secretary of war. Our government immediately restored the captured places, and thus manifested an unequivocal disavowal of the act. The history of the transaction, however, will shew that there was not the shadow of necessity for this violent attack upon a friendly power. The facts, which general Jackson alleged, with respect to the Indians, were denied by the governor of Pensacola, and no proof has been offered to sustain them. It seems quite as probable that the general was influenced more by a bravado of Don Jose Masot, than by a regard to the peace and honor of his own country Fortunately the prompt reparation, offered by our president, was accepted, and thus the nation was saved from a war with Europe, into which we might have been involved, by this unauthorised invasion of neutral territory and neutral rights.—The restoration of the country was much against the wish of general Jackson. In a letter dated August 10, 1818, to the secretary at war, he urges the necessity of *holding* the Floridas, and offers to pledge his life *"upon defending the country from St. Mary's to the Barrataire, against all the machinations and attacks of the holy alliance, and combined Europe."* If this single expression does not furnish evidence of what we might expect from a *"military president,"* we do not know what will.—But there are some facts connected with the invasion of Florida and the capture of Pensacola, which may possibly throw some light upon the *motives* of the general's conduct.—It was in evidence, before the committee of the senate, that in the fall of 1817, several gentlemen of Nashville, (among whom were John Donnelson, the nephew of the general, and John H. Eaton, his biographer, and the same person who figures in a letter lately published,) formed a company, to speculate in lots and lands at Pensacola. Mr. Donnelson as their agent, went on, with authority to make purchases to an amount not exceeding 16,000 dollars; and succeeded to his wishes.—Mr. Eaton, in his testimony, says, that his "inducement to make this adventure, was, that he believed the country would ultimately belong to the United States."—It is a singular coincidence, considering the intimate relation subsisting between the parties, that the speculation is hardly secured by deed, &c. until general Jackson advances with an American army—invades the country—seizes the forts—occupies Pensacola—and then endeavours, by influence and arguments, to induce his government to retain the *conquest*, at the expense of justice, right and tranquility.

We will not say, that *the General was concerned in this adventure;* but the circumstances are quite as strong, to favour *that* presumption, as those relied upon to support the famed charge of bribery, bargain, &c. of which we have heard so much and so often.—Let us now proceed to examine some of the acts of general Jackson as a *civil magistrate* and see whether the same overbearing violence of temper—the same self willed, despotic exercise of power, have not been manifested in his public conduct.—Upon the cession of Florida to the United States, general Jackson was appointed governor of that territory:—His own view of the arbitrary authority vested in him, appears from his letter to capt. Bell, dated August 13, 1821, in which he says, "I despatched an express, &c. to you *with sundry ordinances,* which I found it necessary to *adopt* for the better organization of the Floridas."—"The constitution of Spain, providing for the trial by jury in criminal cases, although never extended to the colonies, because the treaty ceding the Floridas was concluded before the constitution was adopted, &c. in Spain."—Here is a most extraordinary declaration from the republican governor of a ceded territory, which, it was intended, might hereafter become a member of our union. —The *trial by jury*, the freeman's dearest right, is not to be allowed, because the *country was ceded*, before Spaniards had obtained that privilege under their new constitution; and the rights of the people were to be determined and regulated by the *"ordinances"* of the governor that is, by the simple declaration of his will—A happy change truly!! In our further enquiry however, we will find that the governor acted under this impression. In a former letter to capt. Bell, he had said "the Spanish laws and usages are in force." His *ordinances* were to *declare* what the Spanish laws were, and afterwards in the letter referred to, he adds, *"The judge* (appointed by the president,) can exercise *no other power,* (except so far as relates to carrying into effect the acts extended over the Floridas,) unless specially given him by the president. Such instructions have not been given, and I doubt very much WHETHER THE PRESIDENT COULD GIVE THEM. There is no doubt that the person exercising the power of the GOVERNOR of East Florida, can exercise ALL THE POWERS exercised under the KING OF SPAIN, at the time the country was ceded."—This power we know was arbitrary and despotic. Spain had not reformed her constitution at the time, and hence, as the general argues, the people of Florida could not have the benefit of the trial by jury in criminal cases.—This assumption of *regal prerogative* we leave for the consideration of those who admire the republican principles of general Jackson.—Let us proceed to his practical illustration of his powers. By the treaty of cessions, all the archives and documents, relating to the "property or sovereignty of the country" were to be given up. The general undertook to interpret this, as including papers relative to *private* property; and a complaint having been made that some such were in the possession of the late Spanish governor Callava, an order was issued that he should deliver them forthwith.—They were refused, and instead of sending a *civil officer* with process, gen. Jackson issued to col. Brooke the following military requisition: "You will furnish an officer, sergeant, corporal, and twenty men, and direct the officer to call on me by half past 8 o'clock for orders. They will have their ARMS and accoutrements complete, with TWELVE ROUNDS of ammunition."—This was accordingly done, and lieutenant Mountz, *"officer of the* GUARDS," was directed to take colonel Callava into custody, &c.—They found him at his house, on the bed, and he complained of being too ill to go with them; but, as Messrs. Butler and Bronaugh "reported" to his excellency, "he seemed to act without much difficulty when the guard was ORDERED TO PRIME AND LOAD."—The defenceless dignitary was thus dragged by military force, before governor Jackson, and finally committed to prison: in the mean time his house was entered *by order,* boxes were broken open, and papers taken out.—We leave you, fellow citizens, who have been accustomed to the mild execution of the laws, by *civil officers without arms,* to make your own reflections upon these acts. But we have not given you the whole case. Judge Fromentin, who had been commissioned by the president, judicial officer of the territory, was applied to, by the friends of col. Callava, for a habeas corpus. Supposing that the country ceded to the United States, should share, in some degree, the benignity of a free government, he allowed the writ

n. Jackson when informed of it, directed captain ager to inform *Mr.* Fromentin that the prisoners would be kept confined until released by *his* orders; and at the same time issued his precept to bring the judge before him, to answer for having "attempted to interfere" with his authority. Overwhelmed by arbitrary power—brow-beaten and insulted, the judge was compelled to yield his official dignity and his personal independence.—To shew the manner in which he was treated we shall copy from a letter of ge[illegible]st. 3d, 1821, a few [illegible] were thrown upon him: *"astonishment"*—*"indignation and contempt"*—*"you were capable of stating a wilful and deliberate falsehood"*—*"you have the hardihood to deny"*—*"you are regardless of truth"*—*"you have stated another deliberate falsehood"*—*"recollect the admonition I gave"*—*"you will be treated and* PUNISHED *as you deserve."* Now all this was for having *"dared,"* as the general says, to issue a *habeas corpus*.—But to cap the climax of tyranny, the Spanish officers, (resident at Pensacola for many years, and owning large property), were ordered by proclamation, dated 29th September, to leave the country in *four days*. Their offence was the publication in a newspaper, of a paragraph, questioning the accuracy of the interpreters who had assisted at the examination of col. Callava. Two of the gentlemen ventured to return, in some short time, to look after their affairs, and in pursuance of the governor's order, were *arrested* and *confined in prison*. Fortunately for them, (as no habeas corpus could bring relief,) general Jackson resigned, and the case having been communicated to the president, he, *at once directed their discharge*, after a confinement of more than three months and a half. But, fellow citizens, it would be impossible, in any convenient limits, to lay before you in the briefest detail, all the exceptionable incidents in the public life of gen. Jackson. They all go to shew that in every situation where he has been entrusted with power, he has made his own will the rule of his actions.—He suspended or rather protracted the executive and legislative functions of Louisiana: He surrounded the hall of the assembly, with troops and excluded the members: He arrested the GOVERNOR, dragged him by a military guard through the streets and even threatened to hang him if he again displeased him: He prohibited the governor of Georgia from exercising his constitutional command over the militia of his own state: He usurped the absolute control of the armies under him, in time of peace, by directing his officers to receive no orders from the war department, unless they came through him: He assumed the prerogative of making war, which Congress alone can do by the constitution: He abrogated and set at naught the established laws of nations, and instituted a new code of his own, *ex re nata*, devised often in passion and vengeance—and executed in blood: He violated the laws, and disregarded the articles of war: And finally, (though not all) he attempted to control the freedom of debate by threatening to cut off the ears of our senators, who were investigating his conduct in the Seminole war, and it is said was actually prevented by the gallant Decatur, from entering the senate chamber, to make an assault upon a member.

We ask now your candid consideration of the facts we have disclosed, and submit to your decision whether we have not fully sustained our second personal objection to general Jackson.—Can it be possible that a man whose whole course of public conduct has been marked by violence, usurpation and tyranny, can be chosen to preside over the destinies of the only free people on the globe? But we know, many will say that the principles of general Jackson are too pure, and his patriotism too elevated, to allow him to entertain *designs* unfavorable to the liberties of his country. To this we will reply, that we do not *charge him* with any *deliberate intention* of mischief. We only urge the dangerous tendency of his mind and temper, and for that reason we hope he will never be placed in a situation to test his principles or tempt his patriotism.—We believe he possesses good feeling and love of country.—So at one time, perhaps, did Robespierre:—His character was unexceptionable—his conduct irreproachable—and so ardent was his zeal for liberty that he devoted his time and talents to publish a paper called *"The defender of the constitution."*—Yet he was led on by circumstances, till he became a bloody tyrant. We disclaim any comparison, however. Our object is merely to shew the possibility, that men may be carried away, by their passions, their interests or their mistaken notions of right, to do acts, at which they would once have revolted.—Marcus Manlius, by his personal prowess, saved the capital at Rome. He was the *idol* of the people and their *advocate*. He proposed the abolition of consulates and dictatorships, and a *perfect equality of rights*. Yet this same Manlius, at length attempted to usurp the sovereign power; was convicted and thrown from the Tarpeian rock. But take another instance, upon better authority, to which you can all advert. When the prophet told Hazael of the evil he would do to the children of Israel—that he would set on fire their strong holds, and slay their young men with the sword, &c. his reply was, *"what! is thy servant a dog, that he should do this great thing?"*—and yet in a very short time he murdered his king and committed all the atrocities that had been predicted.

Our third personal objection to general Jackson for the presidency is his *want of qualifications*. On this point we might rely upon *negative* proof, viz: the non-existence of any evidence of his talents and knowledge as a civilian and statesman; but we have abundant *positive* testimony to adduce.—We need only refer again to his official letters, orders, &c. to shew that he is by no means versed in constitutional and municipal law or the law of nations. The egregious blunders he has committed in legal interpretation, and in the execution of his legitimate powers, evince such a want of judgment and knowledge as must render it unsafe to place him at the head of the government. His attempt to bring the *inhabitants* of New Orleans under the description of *spies*, if seen in the streets after 9 o'clock at night: His order to capt. M'Keever, already noticed: His opinion that Arbuthnot and Ambister might be executed as *"outlaws and pirates:"* His construction of the authority vested in him as governor of Florida: His declaration that the "Hartford convention men" might have been executed under the *"second section,"* although *citizens* of the United States—and innumerable other instances, all prove not only his tyrannical, dangerous disposition, but, also, his profound ignorance.—How could such a man direct the internal economy and foreign relations of a country like ours? It is impossible he could get along, without involving the nation in a war, and then declaring *"martial law."*—With the aid of military courts, then, it is possible he might manage to keep us in due submission.—These objections fellow citizens, sustained as they are by irrefragible proof, we think ought to put the election

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of general Jackson out of the question. But there are other considerations which are too important to Pennsylvania, and to our western section of it particularly, to be omitted.—Every farmer has felt and does feel, that unless some system is adopted to protect the productions of our own country against a ruinous competition from abroad, industry must be paralyzed and prosperity decline. Access to the markets of the seaboard also, by roads and canals, constructed on a national plan and with the means of the general government, has become indispensable to the inhabitants of the interior.—These objects combined, form what is called the "American System;" and have for a long time engaged the patriotic zeal and the best exertions of the friends of the country.—Against them, the planters of the southern states are arrayed in formidable force. In proof of this, we need only refer to the known interests and feelings of the people in that section of the union; to the proceedings of their public meetings; to the declaration of their public men; to their memorial to congress, deprecating the measures of which we so much approve, and to the vote of the members on the woollens bill of the last session, by which it will appear that the south generally opposed its passage. But, how, it will be asked, does this affect the presidential question? The connection of the two subjects is fully illustrated by examining the votes on the bill we have referred to above. It will be seen that the members from the states friendly to the present administration voted in *favour* of the bill, and those from the states friendly to Jackson, generally, *against* the bill: Thus, the whole representation from Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut and Ohio, in which states Mr. Adams, it is admitted, has the majority, voted for the bill, except Mr. Thompson, a partizan of gen. Jackson from Ohio, Mr. Taunton from Massachusetts, and four others from Maine, all known to be in favour of the general.—From North and South Carolina, Georgia, Tennessee, Virginia Mississippi, and Alabama, claimed to be for Jackson, the members voted *unanimously against the bill*, except Mr. Johnson, who represents a district in Virginia friendly to the administration.—New York, New Jersey, Pennsylvania, Maryland, and Missouri, which we think, will eventually support Mr. Adams, gave large majorities in favor of the bill; indeed the only opposition was from the general's friends.—For instance, in Pennsylvania, Messrs. *Ingham, Kremer, Buchanan*, Kittera, Wurts, Stevenson, and Adams, the only members who voted against the bill, are known to be devoted Jackson men.—The result gives—For the bill, 106, of whom 90 were friends of the administration,—12 for Jackson, and 4 doubtful; against the bill, 95, of whom 79 were for Jackson—12 for the administration, and 4 doubtful.—This exhibition can leave no doubt as to the views of the respective parties, on the great question of policy. That the "American System" will eventually form the point of difference, we are fully convinced.—Many of the general's friends in this state are unwilling, we know, to believe that he is opposed to these great measures, upon which the prosperity of internal Pennsylvania depends. We would ask such persons, why their candidate has not *come out*, unequivocally, on a subject, with respect to which he knows the people feel such intense anxiety. He has been ready enough to appear before the public, to criminate his rival, and give his conjectures and inferences, with respect to alleged corruption in Mr. Clay: but his own sentiments and opinions, in relation to matters of vital importance, remain yet in the dark.—But there can be no difficulty in anticipating his course. It is a law in mechanical philosophy, that a body must always move precisely in the line of direction of the impinging force. This is equally true in politics. A man who has been elevated to office in the strife of parties, will always endeavour to support the views and advance the interests of those who have elected him.—General Jackson, if successful at all, will be so through the votes of the South: and that he will go with them in all great measures of policy, is clear upon every principle of human nature.

We have then fellow citizens, laid before you the grounds of our opposition to General Jackson. We think they are conclusive against his election. But are there any well founded objections to the present incumbent, Mr. Adams? In a brief examination of this question, we shall pursue the topics suggested in an address, lately published by a committee of the friends of general Jackson.—With respect to the *qualifications* of Mr. Adams, there is no dispute: "his talents, industry, and habits of business; his general acquaintance with all the minutiæ and routine of the departments of state and diplomatic concerns, ARE FREELY ADMITTED, while his INTERESTS are ACKNOWLEDGED to be AMERICAN." We wish those gentlemen had been equally candid, or we would rather say better informed, with respect to the private deportment and manners of Mr. Adams. They ought not to have imposed upon the people the remarks which follow these we have quoted. So far from being truly descriptive, they have not the slightest aspect of the most unostentatious, plain, modest, unassuming man in the nation.—We do not think it worth while, however, to notice such "ad captandum" portraiture. The republican simplicity of Mr Adams is as remarkable as the splendor of his talents.

We are only sorry that gentlemen whom we respect, should descend to such an artifice. The insinuation about "*heir presumptive*" is equally unworthy of their good sense and dignity of character. Why not assail *by facts*, the *public*, or even *private* character of Mr. Adams. We agree that both shall be open to investigation. But to support Gen. Jackson by the *passions* of the people, and to run down Mr. Adams by appealing to their *prejudices*, does not comport either with candor, justice, or the public interest. Let only truth appear, and we are content.—We shall proceed to notice the *only* ground of objection to Mr. Adams that the committee have set forth. it is said to be his "acceptance of the presidency in direct opposition to the expressed will of the people of the United States." This is strong assertion; and if supported by proof we should abandon our candidate to his fate. But *it is not true;* and we shall shew that Mr. Adams not only is the *constitutional* president, but that he had also a greater *popular vote* than any of his competitors. We know that the public mind has been misled on this subject; assumptions have been held up as *facts*, and the wildest notions have been represented as legitimate theories—We hope to have a patient hearing, and we undertake to maintain our position. It is not denied that Mr. Adams is lawfully president, according to all the forms of the constitution, but it is said the *spirit* of our republican representative system has been violated. If it has, we agree that the people should express their disapprobation in the most unequivocal manner. But when you are called upon to *turn out* one man, because the *spirit* of your government has

been disregarded, and *put in* another who has trampled upon the *letter* of your constitution and laws, we expect that you will require full and ample evidence. How then stands the case? In 1824 there were four candidates for the presidency, and in the electoral colleges Mr. Adams had 84 votes, Gen. Jackson 99, Mr. Crawford 41, and Mr. Clay 37—no one having a *majority* of the whole number, which is necessary in order to a choice—Gen. Jackson, the highest, had little more than one-third. By the 12th article of the "amendments" of the constitution, if no person have a *majority* of the whole number of electors, "then from the persons having the highest numbers, not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately by ballot, the president; but in choosing the president, the votes shall be taken by states, the representation from each state having one vote," &c. In this mode—Mr. Adams was elected, having 87 members, representing 13 states, with a free population of 3,530,650

Gen. Jackson had 71 members, representing 7 states, with a free population of 2,665,262

Mr. Crawford had 54 members, representing 4 states, with a free population of 1,850,026,

Mr. Adams, therefore, having 13 states out of 24, had a clear majority, and was constitutionally elected president. This is not denied; but our opponents assert, that a "*majority* of the states, if their *wishes* had been complied with, were opposed to his election." We do not see by what process of reasoning, those ingenious calculators arrive at the fact. If the majority of the states were opposed to Mr. Adams, they were certainly not in favour of Gen. Jackson, otherwise he would have been elected In truth, no man can tell what was never ascertained: the electoral votes were divided among the four candidates, and what the result might have been, if one of them had withdrawn before the election, is entirely matter of conjecture. We do not see how it ought to affect the *integrity* of Mr. Adams, if even the fact was as stated. He did not elect himself.—the attempt at choice by the people was past, and he was finally chosen in the only way a president could have been chosen. He is again before the nation, and let him stand or fall by its merits. But to go really to the *spirit* and fundamental principles of our democratic institutions, it matters not (as regards the claim now to popular favour,) how the majority of the *states*, in their electoral colleges were, as between the two present candidates, if Mr. Adams had a greater number of *popular votes*. The mode of electors is the way devised by the framers of the constitution to get most conveniently at the public will. It is a very imperfect plan, in that respect, to be sure, because a man might have a *majority of electors*, and yet not have a *majority* of *popular votes*. Suppose, for instance, there are two candidates, in 24 states, with a votable population of 500,000 persons, and each state having one electoral vote. In 10 of the states, one of the candidates has nearly all the votes, say 200,000, which will give him 10 electoral votes: In each of the 14 remaining states, the opposing candidate has a bare majority, yet he will get 14 electoral votes. Now in such a case, the party who fails might have much the greater number of popular votes. The successful person would be legally and fairly elected according to the constitution, though contrary to the *spirit* of our democracy. There are inconveniences in every mode that can be devised. If the election was immediately by a plurality of the votes of the people, which we would prefer, still a candidate, when there are a great many running, might be elected, and not have one third of the whole number. In the case we are examining, we contend that Mr. Adams had a *plurality* of popular votes, and therefore upon pure democratic principles ought to be president. For instance, in the six New England states, as between Mr. Adams and Gen. Jackson, Mr. Adams had almost the entire suffrage of the people: in the other states the votes were much divided, and although Gen. Jackson had majorities to obtain the electors, yet he had not such majorities as would counterbalance Mr. Adams' majorities in the eastern states. The following table will illustrate the argument we have endeavoured to present, and which perhaps requires more developement to make it intelligible:—

STATES.	No. electoral votes, whom given				No. popular votes, whom given				Total popular votes.	No. voters each state.
	Adams	Jackson	Craw'd	Clay	Adams	Jackson	Craw'd	Clay.		
Maine,	9				6870		2380		9250	82595
New Hampshire,	8				8000				8000	69601
Massachusetts,	15				30487		6616		37103	153500
Rhode Island,	4				2145		200		2345	22869
Connecticut,	8				7563		1978		9541	71561
Vermont,	7				8000				8000	68221
New York,	26	1	5	4	39000	1500	7500	6000	54000	382241
New Jersey,		8			9215	10288			19503	72550
Pennsylvania,		28			5405	35692	4186	1701	47185	290088
Delaware,	1		2		1500		3000		4500	16105
Maryland,	3	7	1		14236	14522	4761	695	34214	77541
Virginia,			21		3019	2290	7542	1611	14522	108154
North Carolina,		15			7000	15415	13621		36036	110992
South Carolina,		11				7500			7500	65895
Georgia,			9				6500		6500	52122
Ohio,				16	12280	18489		19257	50026	155673
Kentucky,				14		6529		16945	23474	115025
Tennessee,		11			216	20197	312		20725	84029
Louisiana,	2	3			2000	3000			5000	26910
Mississippi,		3			1625	3235	119		5003	13641
Indiana,		5			3095	7343		5315	15753	38830
Alabama,		5			2417	641	1680	67	10807	27752
Illinois,	1	2			1541	1272	847	1047	4707	15930
Missouri,				3	No returns of popular votes					17232
24 States.	84	99	41	37	166112	153733	60845	52967	433657	2208134

In some of the states it will be observed that the electors were chosen by the legislatures. The popular votes therefore in those states is computed from an ascertained ratio of the actual votes, with the number of voters, in the other states:—they are distributed according to the proportion of electoral votes for each of the candidates. Thus in Vermont, where Adams had all the votes in the electoral college, we have given him the whole number of popular votes: In New York, they are divided according to the electoral votes each received: and in South Carolina where Jackson received all the electoral votes, he is allowed all the popular votes. The result thus stated shews, that although Mr. Adams received 166,112 votes of the people, he had but 84 votes in the electoral colleges: while gen. Jackson with only 153,733 popular votes, received the votes of 99 electors. If the electoral votes had been in accordance with the votes of the people, Mr. Adams would have had more than Jackson. Our opponents complain that

Maryland and Illinois, in congress, voted for Mr. Adams. Let us examine from the data furnished, whether this was not exactly as the people wished. In Maryland, as the table shews, Mr. Adams had 14,632 and gen. Jackson 14,523 popular votes. Now upon pure democratic principles Mr. Adams ought to have got all the electoral votes of that state, and if the election had been chosen as in Pennsylvania by a general ticket, he would have had them. But in the division of districts it happened that gen. Jackson, with a less number of popular votes, obtained 7 electoral votes. If Mr. Adams had obtained them, the result would have been 92 each. In Illinois also Mr. Adams had 1541, and gen. Jackson only 1272 votes of the people—Upon the same principle Adams therefore ought to have had the electoral votes of that state; yet Jackson got 2 and he only one. If we take those 2 from the general, and add them to Mr. Adams, it would then stand thus—Adams 94—Jackson 90.

There is another fact which appears from this table, that ought not to be overlooked. In the Southern states, where general Jackson had his majorities, the slave population is represented in the proportion of *five* to three whites. Electors were chosen accordingly. *Five slaves* therefore had as much political power as *three free whites,* in the eastern or middle states. It is evident therefore that Mr. Adams had in truth a very large plurality of the *free* voters of the United States. The subjoined table will illustrate this argument.—

Slave-holding states that voted for Adams or Jackson.	Free white popula'n	Representat'e numbers, which includes 3-5ths of the slaves.	Electoral representation of free whites	Electoral representation of slaves.	Free white vote for Adams.	Free white vote for Jackson.	Slave vote for Adams.	Slave vote for Jackson	Whole vote, exclusive of senatorial representation. Ada's	Jac'n
Maryland	260022	364389	6¼	2¾	2¼	5¼	3-4	1¾	3	7
N. Carolina	409200	556821	10	3		10		3		13
S. Carolina	231812	389594	5¾	3¼		5¾		3¼		9
Tennessee	339727	390769	8	1		8		1		9
Louisiana	73383	125779	2	1	2-3ds	1⅓	1-3	⅔	1	2
Alabama	85451	110339	2	1		2		1		3
Mississippi	42176	62320	1			1				1
			35¼	11¾	2 11.12	33⅓	1 1.12	19⅔	4	44

From the above table it will appear that from the slave holding states, Jackson received 44 and Adams but 4 electoral votes. The senatorial representation is not taken into account, as it would not affect the calculation either way. It will also appear, that of pure slave votes Jackson received nearly 11 and Adams 1 only. Now take the result as we have shewn it would have been if Maryland and Illinois had gone entire for Mr. Adams, according to the popular vote, viz. 94 for Adams and 90 for Jackson. Extinguish the *slave vote* altogether, which would subtract, in whole numbers, ten from Jackson and one from Adams. It would then stand—Adams 93 and Jackson 80 only—Thus in every point of view, it is clear, if the voice of the greater number is to be an indication, that Adams was the choice of the free people of the United States, and the main argument of our opponents falls to the ground.

But it is useless to occupy your time in this fruitless enquiry. Our opponents cannot doubt that Mr. Adams is not only constitutionally but *honorably* elected, unless they can make out a fact which has been alleged. It is said that Mr. Adams was elected by a corrupt arrangement with Mr. Clay, by which the votes of several states were turned over to him. This vile charge has been at length traced to Gen. Jackson himself, and he appears before the nation as the accuser of Mr. Clay. By doing so he has put himself in an awkward situation as respects the propriety of his own official conduct. According to his statement, corrupt propositions were communicated to him some time before the election in the House of Representatives. When the nomination of Mr. Clay, as secretary of state was made to the senate, Gen. Jackson, instead of disclosing the information he had received, and demanding an investigation, remained perfectly silent, and permitted his fellow-members to concur in the appointment. This involves him in a dilemma: either he had not the knowledge he now pretends, or he was guilty of a gross dereliction of public duty in not exposing the infamous conspiracy. The same charge he afterwards insinuates into circulation by means of Mr. Carter Beverly, from his table at the Hermitage. When brought home to him, he alleged that one of his own friends, Mr. Buchanan, had conveyed to him the propositions which he understood to come from Mr. Clay. Is he supported in this averment? Not at all: On the contrary Mr. Buchanan has contradicted him in every material particular, and most triumphantly vindicated Mr. Clay and his friends from the base suggestions. Every rag of covering has been torn from the vile contrivance, and it stands before the people in all its naked deformity. The web of moonshine which Mr. John H. Eaton, the Pensacola speculator, has since endeavored to throw over it, cannot conceal it from the scorn and indignation of the public. His publishing letters *without names,* stating facts that never existed, will not do any longer. The people are not to be deceived: they must have *facts* and *evidence.* Mr. Clay is like gold tried in the fire. He stands as high in honor as he is elevated by his talents and distinguished by his services —He braves the severest scrutiny—But it is unnecessary to offer defence where there is no accusati[illegible]

The charge of corruption is blown sky high: [illegible] tatter of it floats in the air—The Jackson c[illegible] have not ventured to reiterate the cal[illegible] should, however, have been more pl[illegible] candor, if no *lurking insinuation* [illegible] their address. The only que[illegible] before the people then, is [illegible] the integrity of either M[illegible] one of political princ[illegible] differ:—Does the [illegible] tive and his [illegible] lection of [illegible] duty the [illegible] those [illegible]

abstract—because the facts do not present it in the present case—No instructions were given by the people nor could there have been. The law has provided no mode by which their wishes in the particular contingency can be ascertained. Any expression made by a public meeting is by no means satisfactory as to the real state of popular sentiment. And surely it cannot be pretended that the legislature of a state can undertake to decide what the opinions of the people are on the subject. It is a matter not confided to them, and their interference is usurpation. This subject might be discussed with profit, perhaps more in detail, but we feel that we have occupied you too long.

We would conclude, fellow citizens, with a solemn appeal to your good sense and love of freedom. If you prize the free institutions of your country, we entreat you not to founder them upon the rock where every republic, heretofore, has split.—Should violence and proscription succeed in procuring the election of general Jackson, our liberties are gone. The *forms* of our political organization may for a short time be continued, but the substance is taken away. A military despotism will overawe the exercise of our privileges and make them subservient to the will of a tyrant. If a phrenzied devotion to an idol has not subverted your reason, we call upon you to pause and reflect upon the facts we have disclosed. Attend to the lesson of experience, let history speak to you in the language of warning and admonition; and, finally, hear the voice of your beloved Jefferson, who, from the brink of the grave addressed to you his apprehension of your impending ruin, in these awful and portentous words—"My country, thou too, will experience the fate which has befallen every free government:—thy liberties will be sacrificed to the glory of some MILITARY CHIEFTAIN. If had fondly ho pp- tion---but thy has disregarded ev has trampled under foot the laws and constitution of his country---and who has substituted his own ungovernable will as his only rule of conduct---thy support of such a man, shakes my confidence in the capacity of man for self government, and I fear all is lost." But if you allow your judgment to controul your passions; if you will investigate and form your deliberate opinion of your true interests and duty, from *evidence*, you will avoid the destiny that otherwise awaits you and us---and ALL WILL BE SAFE.

We are with the utmost sincerity, in our common cause, your friends and servants, &c

Thomas H. Baird,	David Clark,
John Johnson,	James Boyd,
Richard Bard,	John Boyd,
Robert Colmery,	Thomas M'Call,
Joseph Henderson,	Walter Craig,
John Reed,	William Vance,
James Keys,	Benjamin Bubbit,
James Kerr,	Thomas Walker,
Robert M'Farland,	James Proudfoot,
William Welsh,	James M'Farren,
John Rodgers,	John Vance,
John Myers,	Samuel M'Glaughlin,
Andrew Sutton,	George Murray,
Abel M'Farland,	William Berry,
Thomas Vennom,	Joseph Reed,
William Lindley,	Thomas M'Glaughlin,
John M'Coy,	Joseph Crawford,
George Wilson,	Jonathan Leatherman,
James M'Quown,	Alexander Gordon,
Henry Alter,	William Colmery,
James Allison.	David Hay.

COMMITTEE.